

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

KAREN STEVENS, et al.,

Plaintiffs,

v.

ELI LILLY AND COMPANY,

Defendant.

CIVIL ACTION No. 03-CV-12346 (PBS)

**JOINT STIPULATION REGARDING
SUMMARY JUDGMENT BRIEFING DEADLINES**

Plaintiffs Karen Stevens, individually and as mother, guardian, and next friend of Maddy Olivia Stevens and Fenner Zimble Stevens, and Defendant Eli Lilly and Company (“Lilly”), hereby jointly stipulate that the pre-existing schedule for summary judgment briefing should remain in place, notwithstanding Lilly’s filing of its summary judgment motion on August 10, 2004, ahead of the September 24, 2004 deadline.

Under this pre-existing schedule, as entered by the Court, Plaintiffs’ Opposition to Lilly’s motion will be due by October 12, 2004, and Lilly’s Reply in support of its motion will be due by October 26, 2004.

The parties further state as follows:

1. The parties are engaged in mediation discussions through the assistance of the Court’s mediation program. A further mediation session is scheduled for September 10, 2004.
2. Lilly filed its motion for summary judgment on August 10, 2004.
3. Under the Scheduling Order, as amended by the Court on July 23, 2004, the deadline for filing dispositive motions is not until September 24, 2004, with oppositions due by October 12, 2004, and replies due by October 28, 2004.

4. Although Lilly filed its motion ahead of the September 24, 2004 deadline, the parties agree that it is in the interest of all parties and it may conserve judicial resources to postpone further briefing on dispositive motions until after the upcoming mediation session.

5. For the foregoing reasons, the parties jointly agree that the pre-existing schedule should remain in effect notwithstanding Lilly's early filing of its motion for summary judgment.

6. The pre-existing schedule, as amended by the Court on July 23, 2004, remains as follows:

<u>Event</u>	<u>Current Deadline</u>
Dispositive Motions Deadline	September 24, 2004
Oppositions to Dispositive Motions	October 12, 2004
Replies in Support of Dispositive Motions	October 26, 2004
Hearing on Summary Judgment Motion	November 16, 2004, 2:00 pm

Respectfully submitted,

KAREN STEVENS, Individually And As Mother, Guardian and Next Friend of MADDY OLIVIA STEVENS and FENNER ZIMBLE STEVENS, Minors,

By Their Attorneys,

/s/ Kenneth M. Levine

Kenneth M. Levine (BBO #296850)
370 Washington Street
Brookline, MA 02446
(617) 566-2700

-and-

ELI LILLY AND COMPANY,

By Its Attorneys,

/s/ John M. Granberry

James J. Dillon (BBO # 124660)
John M. Granberry (BBO# 647046)
Paula McManus (BBO# 648029)
Ericka L. Harper (BBO# 652511)
FOLEY HOAG LLP
155 Seaport Boulevard
Boston, MA 02111-2600
(617) 832-1000

Aaron M. Levine
AARON M. LEVINE & ASSOCIATES
1320 19th Street, N.W., Suite 500
Washington, D.C. 20036
(202) 833-8040

Dated: August 18, 2004